

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

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MICHAEL BELGRAVE

Civil Action No. 05-319(KAJ)

v.

In re:  
BRAC GROUP, INC. (f/k/a Budget Group, Inc.),  
Reorganized Debtor.

Chapter 11  
Case No. 02-12152 (JLP)



-----  
ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

PETITION FOR WRIT OF CERTIORARI

Michael Belgrave  
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LIST OF PARTIES

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3. Plan Administrator for BRAC  
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P.O. Box 1150  
Wilmington, DE 19899

4. Andrew Dieter Cordo  
Ashby & Geddes  
222 Delaware Avenue  
P.O. Box 1150  
Wilmington, Delaware 19899

5. Peter T. Dalleo  
Clerk of the Court  
United States District Court  
District of Delaware  
Lockbox 18  
844 King Street  
U.S. Courthouse  
Wilmington, Delaware 19801

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**PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

The opinion of the highest state court to review the merits appears at U.S. Bankruptcy Court for the District of Delaware Docket #5315 Dated December 6, 2004.

**JURISDICTION**

The date on which the highest state court decided my case was December 6, 2004.

A timely petition for objection was thereafter ignored on December 23, 2004.

The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a)

**STATUTORY PROVISIONS INVOLVED**

1. Regarding Rule 8001(2) of Federal Rule of Bankruptcy Procedure, Time for Filing Notices of Appeal "An appeal may also be dismissed on motion of the appellant on terms and conditions fixed by the district court or the bankruptcy appellate panel". The Plan Administrator for BRAC GROUP, Inc. is the appellee in this matter, I object to the stipulations presented.

2. Regarding Rule 8002(a)(2)(4b) of Federal Rule of Bankruptcy Procedure, Ten Day Period, For Relief under Rule 9024 "A notice of appeal filed after the announcement of a decision or order but before entry of the judgment, order or decree shall be treated as filed after such entry and on the day thereof". "If a notice of appeal is mistakenly filed with the district court or the bankruptcy appellate panel shall note thereon the date on which it was received and transmit it to the clerk and it shall be deemed filed with the clerk on the date so noted". Michael Belgrave filed (12/23/04) in US Bankruptcy Court for the District of Delaware docket #5339 clearly expressing intent to question/appeal/object the approval of the Eighteenth Omnibus Objection.

3. "A notice of appeal may be granted upon showing of excusable neglect". Michael Belgrave anticipated receiving a response to filed docket #5339.

4. "A party intending to challenge an alteration or amendment of the judgment, order or decree, shall file a notice, or an amended notice, of appeal within the time prescribed by this rule (8002) measured from the entry of the last such motion outstanding. No additional fees will be required for filing an amended notice". The Plan Administrator failed to file an answer to docket #5339(Objection to Order and Amended Order docket #5315&5332, respectively, deeming my amended notice within the jurisdiction of the US District Court for the District of Delaware.

5. Regarding Rule 8011(b)(c)(d) of Federal Rule of Bankruptcy Procedure, Motions, Determination of Motions for Procedural Orders, Determination of All Motions, Emergency Motions "Any party adversely affected by such action may move for reconsideration, vacation or modification of the action". Michael Belgrave filed docket #5339 & 5480 respectively, intending to receive a review of the erroneously filed documents.

6. "A motion for a stay, or for other emergency relief may be denied if not presented promptly". The Plan Administrator, prior to my amended appeal ignored my objection, which delayed the process.

7. "Prior to filing the motion - notify opposing counsel...or state why not practical to do so". The Plan Administrator incorrectly certifies: "I attempted to contact Michael Belgrave in order to discuss the subject of the attached motion, but at time of filing, he could not be reached" I, Michael Belgrave hereby attest this statement is false. Also, in the Plan Administrator's "Certificate of Service", on both documents state each person was served "by facsimile, U.S. Mail and Federal Express, untrue and no reason specified.

**STATEMENT OF THE CASE**

I, Michael Belgrave (the "Claimant"), hereby attest the following:

1. I am a claimant in the BRAC GROUP, INC. (f/k/a Budget Group, Inc.) bankruptcy proceeding, where Ashby & Geddes, P.A., Delaware Counsel to Walker, Truesdell & Associates, in its capacity as Plan Administrator (the "Plan Administrator"), with respect to the above captioned case.
2. On November 17, 2004, the Claimant filed and served the response (**Docket Number 5283**) along with evidence of documentation listed on **Docket Number 5292 11/24/04** and amended **Docket Number 5304 12/3/04**.
3. The Plan Administrator filed **Docket Number 5315 12/6/04** (Approval of Eighteenth Omnibus Objection) which predates hearing yet is endorsed by **Honorable John L. Peterson, Bankruptcy Judge** and is referenced as **12/7/04** on item **3** of **Docket Number 5325** (Amended Order) which no endorsement appears.
4. Specifically, the signed order being invalid, corrupts the Eighteenth Omnibus Objection and should be excluded from the plan. The amended order was filed **(9) days** after the court hearing which negates the purpose of the Eighteenth Omnibus Objection and should be hereby excluded from the plan.

**REASONS FOR GRANTING THE PETITION**

All of my disposable income is tied up in litigation. Therefore, my access to certain funds are compromised.

Specifically, the signed order being invalid, corrupts the Eighteenth Omnibus Objection and should be excluded from the plan. The amended order was **filed (9) days** after the court hearing which negates the purpose of the Eighteenth Omnibus Objection and should be hereby excluded from the plan.

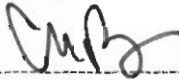
Thus, in order to correct the record, I pray the court dismiss in full the Eighteenth Omnibus Objection, whereas the under-signed counsel to the Plan Administrator should honor my claim of \$70,000.00 plus interest compounded daily, at the Court's earliest convenience.

I am a Pro Se claimant, "A notice of appeal may be granted upon showing of excusable neglect". Michael Belgrave anticipated receiving a response to filed docket #5339.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MB', is written over a horizontal dashed line.

Dated June 19, 2005

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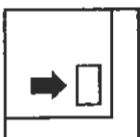
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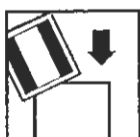
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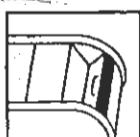
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